

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

MICHAEL CURTIS,

Plaintiff,

v.

STATE OF NEVADA,

Defendant.

Case No. 2:21-cv-01932-GMN-EJY

**ORDER**

**I. DISCUSSION**

On October 20, 2021, Plaintiff, an inmate in the custody of the Nevada Department of Corrections (“NDOC”), submitted an Emergency Motion for Preliminary Injunction and a Notice of Motion. ECF Nos. 1-1, 1-2. Plaintiff has not submitted a complaint or an application to proceed *in forma pauperis* in this matter.

Under Federal Rule of Civil Procedure 3, “[a] civil action is commenced by filing a complaint with the court.” Fed. R. Civ. P. 3. To proceed *in forma pauperis* under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate who seeks to commence a civil case without preparing the filing fee must submit all three of the following documents to the Court:

- (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, on this Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on page 3),
- (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court’s approved form), and
- (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**.

The Court will grant Plaintiff a **one-time** extension to file a complaint and complete application to proceed *in forma pauperis* containing all three of the required documents, on or before **December 20, 2021**. Absent unusual circumstances, the Court will not grant any further extensions of time. If Plaintiff is unable to file a complaint and a fully complete application to proceed *in forma*

1 *pauperis* with all three required documents on or before **December 20, 2021**, this case will be subject  
 2 to dismissal without prejudice. Plaintiff is free to file a new case with the Court when Plaintiff is  
 3 able to file a complaint and acquire all three of the documents needed to file a fully complete  
 4 application to proceed *in forma pauperis*.

5 A dismissal without prejudice means Plaintiff does not give up the right to refile the case  
 6 with the Court, under a new case number, when Plaintiff is able to file a complaint and has all three  
 7 documents needed to submit with an application to proceed *in forma pauperis*. Alternatively,  
 8 Plaintiff may choose not to file an application to proceed *in forma pauperis* and instead pay the full  
 9 filing fee of \$402 on or before **December 20, 2021** to proceed with this case.

## 10 **II. ORDER**

11 For the foregoing reasons, IT IS HEREBY ORDERED that Plaintiff shall submit a complaint  
 12 to this Court on or before **December 20, 2021**.

13 IT IS FURTHER ORDERED that the Clerk of the Court shall send to Plaintiff the approved  
 14 form for filing a 42 U.S.C. § 1983 complaint and instructions for the same. The Clerk of the Court  
 15 shall also send Plaintiff a copy of his Emergency Motion for Preliminary Injunction. ECF No. 1-1.

16 IT IS FURTHER ORDERED that the Clerk of the Court shall send Plaintiff the approved  
 17 form application to proceed *in forma pauperis* by an inmate, as well as the document entitled  
 18 information and instructions for filing an *in forma pauperis* application.

19 IT IS FURTHER ORDERED that on or before **December 20, 2021**, Plaintiff shall either pay  
 20 the full \$402 filing fee for a civil action (which includes the \$350 filing fee and the \$52  
 21 administrative fee) or file with the Court:

22 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this Court's  
 23 approved form (i.e. pages 1 through 3 of the form with the inmate's two signatures on page  
 24 3),

25 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official  
 26 (i.e. page 4 of this Court's approved form), and  
 27  
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1 (3) a copy of the **inmate's prison or jail trust fund account statement for the previous**  
2 **six-month period.**

3 IT IS FURTHER ORDERED that, if Plaintiff does not file a complaint and a fully complete  
4 application to proceed *in forma pauperis* with all three documents or pay the full \$402 filing fee for  
5 a civil action on or before **December 20, 2021**, this case will be subject to dismissal without  
6 prejudice for Plaintiff to refile the case with the Court, under a new case number, when Plaintiff is  
7 able to file a complaint and has all three documents needed to file a complete application to proceed  
8 *in forma pauperis* or pays the full \$402 filing fee.

9 DATED this 22nd day of October, 2021.

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11 ELAYNA J. YOUCHAK  
12 UNITED STATES MAGISTRATE JUDGE  
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